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Attn : David Valenstein, Office of Railroad Development
Federal Railroad Administration

Paris, the 8th April

We, the French National Railways ("SNCF"), submit the following questions in relation to the FRA's RFEI 2008-0140. We would like to take this opportunity to confirm our strong and long-term commitment to the current nationwide interest in the values and benefits high-speed rail passenger services can (and will) bring to the United States of America. As not only operator of high-speed rail services in France and across its borders, but also initiator in the identification of transportation needs and sponsor of their delivery, we fully understand that success in the implementation of such projects is key to every single aspect of a long-term sustainable development (social, economic, environmental etc.).

1. Minimum Mandatory Requirements. The Notice contains "Required Contents of Expressions of Interest." (Fed. Reg. at 76445). These required contents are extensive. They track the requirements of the full-blown "proposals" set forth in Section 502 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA). For example, Expressions of Interest apparently are required to include a detailed description of the project that covers 18 specific elements covering a wide range of technical, financial, legal, political and other subjects. It appears these requirements are expressed as the minimum mandatory requirements for any Expression of Interest (particularly in light of the subsequent section that identifies "optional contents"). Is this correct? If not, what are the minimum contents of an Expression of Interest? If so, given that (i) this Notice calls for Expressions of Interest and not Proposals, (ii) there will be significant costs to interested parties to prepare and provide such an extensive response, and (iii) virtually no interested party could prepare a response that covers all the "required" subjects without forming an elaborate consortium, would the Agency consider modifying the Notice to call for White Papers or to otherwise relax the requirements for this initial phase? One approach would be for the FRA to invite interested parties to submit Expressions of Interest responsive to those items falling under their specific area(s) of expertise only, reserving the formation of teams and the submission of fully integrated responses for a later stage in the process.

2. Formation of Teams. The Notice asks participants to “verify, before committing resources to responding to this RFEI, that they would be able to assemble a cohesive team that can plan, organize, finance, design, and construct a complete HSR system in an eligible corridor, as well as gain the support of the key public and private stakeholders, and successfully operate and maintain it on a long-term basis.” (Fed. Reg. at 76444). As stated in question number 1 above, however, it appears this “cohesive team” may need to be formed now in order to respond to the requirements, as currently stated, of the RFEI. We believe that formation of such team would be time-consuming and premature at this early stage of this process. Please clarify.

3. Page Limit & Evaluation Difficulties. FRA’s assessment efforts may be further hindered because the RFEI permits interested parties to address all or part of one or more corridors rather than all of each of the eleven corridors. Given the page limit established by the RFEI, this approach may result in Expressions of Interest that vary substantially in terms of their focus and level of detail, making evaluative comparisons very difficult. How will this evaluation problem be addressed? Also, please clarify whether the page limit is 75 pages per corridor or 75 pages total for all corridors addressed by an interested party.

4. Phased Process. Since FRA envisions the RFEI process as the first phase of the overall qualification process, would FRA consider a less burdensome – and more effective – approach to obtaining the information it requires at this stage? More detailed submissions could then be solicited later in the process, when the relevant facts are better known and the interested parties are better positioned to develop complete, meaningful responses ripe for evaluation.

5. Foreign versus U.S. Private Businesses. The Notice does not restrict Expressions of Interest to public agencies or U.S. private businesses. In addition, the Agency has stated that Section 502 does not contain any such restriction. However, it appears Section 502 of the PRIIA ties its authorization for funds to those available under 49 USC §26104(a): funds that are available to U.S. private businesses. Please clarify. This appears to be a critical issue in light of the fact that most high-speed rail technology and experience is currently in the hands of foreign, not domestic, business concerns and, therefore, the Government’s mission to improve high-speed rail in the United States may be severely comprised by any “domestic” restriction on competition. Please explain how this will be addressed in the evaluation and award process under this RFEI.

6. Funding. We understand the PRIIA – the source of authority for this Notice – authorizes a maximum of \$30 million for private businesses. Are we correct, therefore, in assuming that no more than six of the eleven corridors will have preliminary grants awarded to private businesses?

7. Funding. PRIIA Section 502 authorizes up to \$60 million for public agencies. To the extent public agencies receive this grant money for the preliminary work on some or all of the eleven corridors, does FRA envision that agencies will, or will FRA permit these agencies to, use this money to contract with the private sector to carry out the preliminary work?

8. Information Session. When will the Information Session for Interested Parties be scheduled?

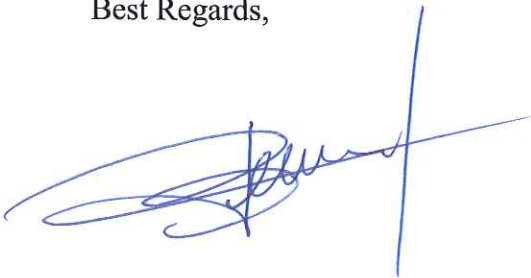
9. Variations in Corridor Status. We note that certain of the projects covered by this RFEI are sufficiently advanced that much of the information sought has already been developed in connection with those projects, for example California. How should an interested party address relevant developments under other state and federal high-speed rail projects in its Expression of Interest?

10. The California Corridor. Please clarify why the California corridor is included in the RFEI. This project is well-advanced and may not be appropriate for this process. In fact, it appears the California project may be compromised by its inclusion in this RFEI. For example, has the Agency considered that responses to this RFEI regarding the California corridor will or may (i) divert the resources of interested parties and the California High Speed Rail Authority from the project itself (which is well underway); (ii) create conflicting paths for implementing the California project that may increase costs and/or create delays; or (iii) simply create confusion for entities responding to this Notice and participating directly with California in its project? If so, what can be done to eliminate or minimize the potential harm?

11. Evaluation Factors. The RFEI permits proposers to address part or all of one or more of the designated high-speed rail corridors in their Expressions of Interest. How is this factor weighted? In particular, if an interested party chooses to address only some of the corridors, and for certain of these only part of the corridor, to what extent will that decision hinder the party's chances of receiving an award or becoming qualified under the RFEI?

12. Preclusion. To what extent will a party who does not submit an Expression of Interest covering a particular corridor(s) be precluded from participating in any future RFQ/RFP for projects relating to such corridor(s)?

Best Regards,

A handwritten signature in blue ink, appearing to read 'Frank Bernard', with a long vertical line extending upwards from the end of the signature.

Frank Bernard
Executive Director Europe & Development